

Remarks

Claims 9-25 are pending in this application prior to entry of the above-amendments. Claims 9-13, 24 and 25 have been cancelled by this amendment. Applicant urges that claims 14-23 are now in condition for allowance.

The present instrument relates to an orthotic device suitable for use as a ligament shim.

With respect to the Examiners objection to "end edges" and "atraumatic bearing surfaces", Applicant has cancelled claims 24 and 25, thus obviating the Examiners objections. However, Applicant submits that claims 14-23 are supported by the specification and urges reconsideration. Specifically, support in the specification can be found by reference to Figs. 11 and 14 which show two embodiments of the invention. One of ordinary skill in the art would understand by viewing Figs. 11 and 14, that the device shows first and second ends of the shim body being substantially planar and of substantially the same configuration in plan view, substantially the same size, and normal to an axis. Moreover, the location of the shim hole 39 is clearly depicted. Fig. 14 shows two substantially flat parallel surfaces. Ghost lines indicate that these flat walls or surfaces can be outwardly rounded.

Applicant has further amended the specification to clarify various embodiments and submits two explanatory drawings herewith. It is respectfully submitted that these features were disclosed in original Figs. 11 and 14, and no new matter has been added by this amendment to the specification.

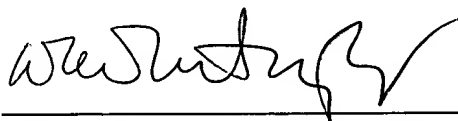
The Examiner has rejected claim 14 as anticipated by Kim. Applicant submits that independent claim 14 is not anticipated because the reference fails to teach or suggest all the claim limitations. Independent claim 14 requires, among other things, the first and second ends being substantially planar and of substantially the same configu-

ration in plan view, substantially the same size, and normal to the axis. Claim 14 also requires a shim hole . . . [and] body being otherwise devoid of any further opening. Nowhere, does Kim disclose these limitations. Thus, claim 14 is not anticipated by Kim.

Finally, Kim does not make the claimed invention obvious. Kim relates generally to an anchor device not a shim, and describes, among other things, a bullet-like upper configuration tapered to a rounded tip. One of ordinary skill in the art would not be motivated by Kim to make a device having first and second ends being substantially planar and of substantially the same configuration in plan view, substantially the same size, and normal to the axis, and also having only one hole. Kim may just as likely have had a pointed end in the shape of an arrow, than ends of substantially the same configuration as required by the present invention.

It is respectfully submitted that new claims 14-23, all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested. If the Examiner has any questions about this communication he is invited to call Michael Krenicky at (203) 324-6155 to discuss.

Respectfully submitted,



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